



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

SPECIAL LAND USE PERMIT APPLICATION ANALYSIS

ZONING CASE #: Z2013-26

LEGISTAR #: 20131101

PROPERTY OWNER: Eduard Zhigaylo
399 Hammond Drive
Atlanta, GA 30328

PROPERTY ADDRESS: 2012 Airport Court

PARCEL DESCRIPTION: Land Lot 06590, District 17, Parcel 0020

AREA: 1.02 acs. **COUNCIL WARD:** 1

EXISTING ZONING: LI (Light Industrial)

REQUEST: LI (Light Industrial) with a Special Land Use Permit (SLUP)

**FUTURE LAND USE
RECOMMENDATION:** IW (Industrial -- Warehousing)

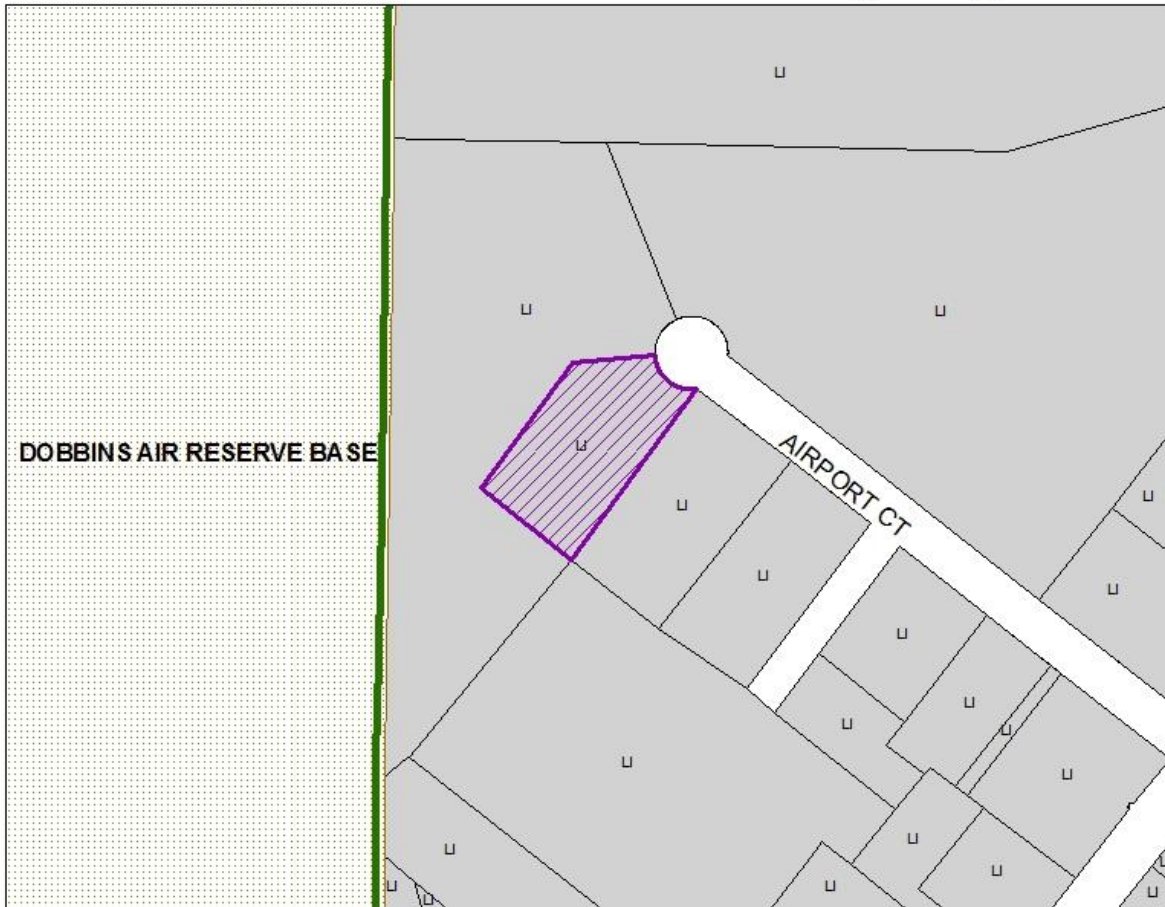
REASON FOR REQUEST: The applicant is requesting a Special Land Use Permit (SLUP) in order to use the property for the storage of metal parts intended for recycling.

PLANNING COMMISSION HEARING: Wednesday, November 6, 2013 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, November 13, 2013 – 7:00 p.m.

MAP

City of Marietta Area Zoning Map



Zoning

SINGLE FAMILY RESIDENTIAL
R-1 One Unit/Acre
R-2 Two Unit/Acre
R-3 Three Unit/Acre
R-4 Four Unit/Acre
ATTACHED FAMILY RESIDENTIAL
RA-4 Four Unit/Acre
RA-6 Six Unit/Acre
RA-8 Eight Unit/Acre
PRD(SF) Planned Residential Dev.
MHP Mobile Home Park
MULTI FAMILY RESIDENTIAL
RM-8 Eight Unit/Acre
RM-10 Ten Unit/Acre
RM-12 Twelve Unit/Acre
RHR Residential High Rise
PRD(MF) Planned Residential Dev.

COMMERCIAL
NRC Neighborhood Retail
CRC Community Retail
RRC Regional Retail
CBD Central Business District
PCD Planned Commercial Dev.
MMD Mixed-Use Dev.
CIT Office Institutional Trans.
LHO Low-Rise Office
CII Office Institutional
COS Office Services
OHR Office High-Rise
INDUSTRIAL
LI Light Industrial
HI Heavy Industrial
PID Planned Industrial Dev.

District

17

Land Lot

06590

Parcel

0020

*Current
Zoning*

LI

*Proposed
Zoning*

LI w/
SLUP

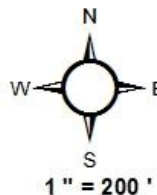
Comments:

2012 Airport Ct

Date:

09/25/2013

Planning & Zoning
Department



PICTURES OF PROPERTY



2012 Airport Court



Metal open-topped storage containers on property

STAFF ANALYSIS

Location Compatibility

The applicant and property owner, Eduard Zhigaylo, is requesting a Special Land Use Permit (SLUP) for a scrap metal storage facility at 2012 Airport Court. The subject property is zoned LI (Light Industrial) and is surrounded on all sides by properties also zoned LI. A granite countertop manufacturer, import/export office, and auto broker also operate on the subject property.

Use Potential and Impacts

The applicant wishes to use the subject property as a scrap metal sorting and storage facility. Metal roll-off containers filled with metal parts will be brought from other locations to the site, where the parts will be sorted and stored until they are taken from the property to be recycled off-site. This property is located deep into an industrial zone with the nearest uses being other industrial uses, a truck terminal, and Dobbins ARB. The nearest residential area is the Caswell Overlook townhome community approximately 1,100 feet away. The proposed use should not adversely impact the surrounding area.

The future land use (FLU) of the subject property and surrounding area is IW (Industrial Warehousing), which is described as being suitable “*for areas that can support light industrial, office/warehouse and distribution uses.*” The current zoning, LI, is compatible with a future land use of IW.

Environmental Impacts

This property is located entirely within the floodplain, and is significantly impacted by the presence of streams and wetlands. As a result, no additional buildings or additions to buildings may be constructed without approval from FEMA (LOMA, LOMR). These conditions, however, should not prevent the property being used for the storage of roll-off containers as long as the containers are covered. Covering the containers will prevent rainwater from becoming contaminated with the chemicals from the scrap metal and draining into the stream.

Economic Functionality

This property has continually been used as industrial property, and therefore attests to its economic value as-zoned. This area is an attractive area for industrially-oriented business activities. However, due to the number of environmental factors affecting this property, any proposed use must function without any improvements to the property. As a result, a scrap metal storage facility would be an appropriate use of the property.

Infrastructure

The applicant is not proposing any new improvements to the property. Although the City's Zoning Ordinance requires vehicles to be placed on an approvable paving surface, the outdoor storage of inventory or materials has been permitted on gravel as long as it is not used for vehicular travel. Leaving the storage yard graveled would also benefit the usability of the property, as the buffers of the nearby stream will restrict the application of any new pavement. Also, allowing gravel would impact the stream the least, in that it would allow more water to percolate into the ground and therefore reduce the number of pollutants entering the stream. However, a variance would be necessary to allow the vehicles picking up and dropping off the containers to travel over a gravel surface.

History of Property

The previous tenant was granted by City Council a SLUP for an automobile storage and wrecker service on November 10, 2010. Included with this SLUP was a variance to allow gravel as an acceptable surface with the condition that the property may only be used to store operable cars (Z2010-11).

Other Issues

The following are specific criteria for the consideration of granting a SLUP for a property:

1. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.
2. Whether or not the use is compatible with the neighborhood.
3. Whether or not the proposed use will constitute a nuisance as defined by state law.
4. Whether or not property values of surrounding property will be adversely affected.
5. Whether or not adequate provisions are made for parking and traffic considerations.
6. Whether or not the site or intensity of the use is appropriate.
7. Whether or not adequate provisions are made regarding hours of operation.
8. The location or proximity of other similar uses (whether conforming or nonconforming).
9. Whether or not adequate controls and limits are placed upon commercial deliveries.
10. Whether or not adequate landscaping plans are incorporated to ensure appropriate transition.
11. Whether or not the public health, safety and welfare of the surrounding neighborhoods will be adversely affected.

ANALYSIS & CONCLUSION

Eduard Zhigaylo is requesting a Special Land Use Permit (SLUP) for a scrap metal storage facility at 2012 Airport Court. Metal roll-off containers filled with metal parts will be brought from other locations to the site, where the parts will be sorted and stored until they are taken from the property to be recycled off-site.

The subject property is zoned LI (Light Industrial) and is surrounded on all sides by properties also zoned LI. This property is located deep into an industrial zone with the nearest uses being other industrial uses, a truck terminal, and Dobbins ARB. The nearest residential area is the Caswell Overlook townhome community approximately 1,100 feet away. The proposed use should not adversely impact the surrounding area.

This property has continually been used as industrial property and therefore attests to its economic value as-zoned. This area is an attractive area for industrially-oriented business activities. However, due to the number of environmental factors affecting this property, any proposed use must function without any improvements, including pavement, to the property due to the presence of streams, wetlands, and floodplain. These conditions, however, should not prevent the property being used for the storage of roll-off containers as long as the containers are covered. Covering the containers will prevent rainwater from becoming contaminated with the chemicals from the scrap metal and draining into the stream. However, the following variance would be necessary in order to allow trucks hauling the containers to travel on a gravel surface:

- Variance to allow gravel as an approvable surface for automobile storage [Section 716.08 (A) & (B)]

The future land use (FLU) of the subject property and surrounding area is IW (Industrial Warehousing), which is described as being suitable “*for areas that can support light industrial, office/warehouse and distribution uses.*” The current LI zoning and this request for a SLUP are consistent with the Comprehensive Plan. As a result, a scrap metal storage facility would be an appropriate use of the property.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	n/a storage only
If not, how far is the closest water line?	_____
Size of the water line?	_____
Capacity of the water line?	_____
Approximate water usage by proposed use?	_____ _____

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	n/a storage only
If not, how far is the closest sewer line?	_____
Size of the sewer line?	_____
Capacity of the sewer line?	_____
Estimated waste generated by proposed development?	A.D.F. Peak
Treatment Plant Name?	_____
Treatment Plant Capacity?	_____
Future Plant Availability?	_____ _____

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property?	YES
What percentage of the property is in a floodplain?	100% within 100 year flood plain
What is the drainage basin for the property?	Poorhouse Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	YES – at north property line (stream)
If so, is the use compatible with the possible presence of wetlands?	Existing use
Do stream bank buffers exist on the parcel?	YES
Are there other topographical concerns on the parcel?	NO
Are there storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

Transportation

What is the road affected by the proposed change?	Airport Court & Airport Industrial Park Drive
What is the classification of the road?	Local (both)
What is the traffic count for the road?	No data available
Estimated number of cars generated by the proposed development?	Insufficient data provided
Estimated number of trips generated by the proposed development?	Insufficient data provided
Do sidewalks exist in the area?	NO
Transportation improvements in the area?	YES
If yes, what are they?	Drainage improvements are in planning process for Airport Industrial Park Drive

- Gravel is NOT an acceptable surface for this area. Per Section 716.08 of the City Zoning Code, the surface must be asphalt, concrete, or brick in concrete (see attached City Code below).
- If any construction or land disturbance is proposed, site plans will be required for construction of the parking and drive area. **However, no additional buildings or additions to buildings may be performed without approval from FEMA (LOMA, LOMR).**
- The FEMA FIRM Flood Plain effective December 16, 2008 (panel 0138) and March 4, 2013 for panel 0119 is applicable for the tract, including State Mandated Stream Buffer(s), City Stream Buffers, and Impervious Area Setback from buffers. **The site is completely within the 100 year Flood Plain.** The FEMA Flood Plain elevation is 952, and the existing grade around the buildings (according to Cobb GIS) varies between 946 and 948. Please refer to City Ordinance 7-8-10 Floodplain Management / Flood Damage Prevention. See definition of “*Substantial Improvement*” under 7-8-10-020, as required by FEMA and the GA EPD Floodplain Management.
- If necessary, site plans must include parking, driveways, streets, stormwater management, stormwater quality, 10% downstream analysis, and any other applicable improvements required by City code and Georgia Stormwater Management Manual. See City Code Article 7-8-14, and 7-8-12. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line. If easements are required for drainage through adjacent property, then the owner is to obtain.

[716.08](#) - Surface parking standards.

- A. The parking of any vehicle (including, but not limited to trailers and boats) on any lot in any district on other than a surface treated and hardened to accommodate vehicles up to 8,000 pounds gross axle weight is prohibited.
- B. Minimum standards for surfaces treated and hardened to accommodate vehicles up to 8,000 pounds are as follows:
 - 1. *Concrete*. Four inches of 2,500 psi concrete with control joints at least every 30 feet, or if no control joints are utilized, then wire reinforcement throughout.
 - 2. *Asphalt*. Binder and topping course mixes at least 3 inches thick.
 - 3. *Brick*. Bricks laid in a 2-inch concrete base.
- C. A parking plan for all uses shall be submitted with the building plans. The Development Services Director and Public Works Director shall review the proposed parking plan to insure its conformance with all applicable provisions of this article. Occupancy or use of a building shall not be allowed until the parking facilities are completed in accordance with the approved plan. The provisions of the required spaces on a temporary basis on a hard surfaced sub-base (subgrade plus an asphalt first layer or bound crushed stone aggregate) shall satisfy this requirement. All parking facilities including entrances, exits and maneuvering areas shall comply with the following:
 - 1. Design of parking areas, including space and driveway arrangement, shall conform to the geometric design standards of the Institute of Traffic Engineers, which is hereby incorporated by reference as though fully set forth herein. The City Clerk shall maintain a copy of said standards of the Institute of Traffic Engineers on file for inspection by the public.



2. Have access to a public street and be graded and paved. Curbing may be required when needed for effective drainage control to prevent damage to abutting property or public streets, subject to approval by the Public Works Director.
3. Have all spaces marked with paint lines, curb stones or other similar designations (single-family residential uses are exempt if fewer than 3 spaces are provided).
4. Provide individual parking spaces with dimensions not less than 9 feet wide and 20 feet deep, exclusive of passageways. In the cases of 25 or more required parking spaces 25% of the required spaces may be of an area not less than 8 feet by 16 feet.
5. Provide interior drives with a minimum width of 20 feet which connect each space with a public street.
6. Parking areas established within a residential district for a permitted nonresidential use shall provide visual screening between vehicle use areas, including all accessways, and the abutting residential property. Such screening may consist of a wall or solid fence no less than 5 feet in height and/or a vegetative row of hedges and trees sufficient in nature to provide continuous visual screening. Such screening improvements shall be located upon a nonpaved surface at least 5 feet in width and are subject to approval by the Director of the Development Services Department. See standards set forth in Section 712.08 (Tree Protection and Landscaping) for landscaping requirements.
7. Adequate lighting shall be provided if the facilities are to be used at night. Such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties.
8. No parking or loading area shall be established in the required front yard of any residential district except for a single-family residential use; no more than 35% of the required front yard may be paved or used for parking in such case.
9. The parking areas shall be permanently maintained by the owners or the occupants for their invites or licensees so long as the use(s) exists.

EMERGENCY SERVICES

Nearest city or county fire station from the development?	Marietta Station 55
Distance of the nearest station?	2.0 miles
Most likely station for 1 st response?	Marietta Station 55
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes x No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

Additional comments: